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/SXShort/ Reg. No. 45,105  
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**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Application Serial No:</b> 10/779,825	<b>Attorney Docket No:</b> BP2431
<b>Application Filing Date:</b> 02-17-2004	<b>Inventor(s):</b> Gottfried Ungerboeck
<b>Examiner:</b> TIMORY, KABIR A	
<b>Art Group:</b> 2611	<b>Patent No:</b> n/a
<b>Confirmation No:</b> 9140	<b>Patent Issue Date:</b> n/a
<b>Title:</b> Zero excess bandwidth modulation	

Date: 04-06-2009

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to a non-final office action mailed on 01-05-2009 (Part of Paper No./Mail Date 20081228) regarding the above-identified U.S. utility patent application, the Applicant respectfully submits the following amendment/response that is being filed within three (3) months of the mailing date thereof.

The three (3) month due date for responding to the office action falls on Sunday, 04-05-2009, and the Applicant respectfully asserts that this amendment/response being filed on the next succeeding business day on which the USPTO is open, namely, Monday, 04-06-2009, is timely filed in accordance with M.P.E.P. § 710.05, 35 U.S.C. § 21, and 37 C.F.R. § 1.7.